IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1277 OF 2006

IN

CRIMINAL APPEAL NO. 830 OF 2005

Nandu Kundalik Chavan ..... Applicant

Versus

The State of Maharashtra ..... Respondent

Mr. Satyajit Nigade for the Applicant

Mr. A.S. Shitole, APP for the Respondent.

CORAM : A.S. OKA, J.

DATE : 8TH DECEMBER 2006

P.C.

1) Heard learned Advocate for the Applicant and the A.P.P. This application for bail is by the accused no.1 who has been convicted for the offence punishable under Section 304(II) of the Indian Penal Code. A reliance is placed on an order granting bail passed by this Court in favour of accused no. 2. However, the accused no.2 has been convicted only for the offence punishable under Section 201 read with Section 34 of the Indian Penal Code. The Applicant has been sentenced to undergo rigorous imprisonment for 10

years.

2) The learned Advocate for the Applicant has taken me through the notes of evidence and other relevant documents.

3) Though the case is mainly based on circumstantial evidence, there is a finding that the chain of events established the guilt of the Applicant. There is evidence regarding conduct of the Applicant and previous quarrel. The prosecution has also placed reliance on extra judicial confession.

4) The Applicant was not enlarged on bail during the pendency of the trial.

5) No case is made out for grant of bail. Application is, therefore, rejected. Hearing of the Appeal is expedited.

(A.S. OKA, J.)